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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,762	07/09/2003	Terry M. Howley		9900

7590 01/06/2004  
John K. McCulloch  
5291 Colony Drive North  
Saginaw, MI 48603

EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

10/615,762

## Applicant(s)

HOWLEY, TERRY M.

## Examiner

Bethany L. Griles

## Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07/09/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/9/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Spilker (US 2835066).
3. Regarding claim 1, Spilker discloses a rest for an elongate article comprising a body member 21 from one side of which projects an extension 10 configured for the removable reception of such article and to disable unintentional movement of such article along a path in each of two opposite directions relative to said extension but to permit unrestricted movement of such article relative to said extension 10 in a direction transversely of said path, and separable clamping means 24, 25, 22 carried by said body member 21 for removably clamping the rest to a support .
4. Regarding claim 2, Spilker discloses that the support is cylindrical 35 and that the body member 21 has a concave base 10, 11 for confronting and seating on said support (element 22 is also concave).
5. Regarding claim 3, Spilker discloses that the extension member 11 has a V-shaped notch (see configuration of element 37) in which said article removably may be accommodated.

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6. Regarding claim 4, Spilker discloses at least one flexible tie member 47 adapted to encircle the support and body member.

7. Regarding claim 5, Spilker discloses that the body member has slots through which the tie member may pass (see figure 5).

8. Regarding claim 6, Spilker discloses that the clamping means comprises a pair of clamp members 22, 24 coupled to the body member 21 and extending therefrom in substantially parallel spaced apart condition, the space between the members being sufficient to accommodate the support between the clamp members (fig 1).

9. Regarding claim 7, Spilker discloses adjustment means 25 reacting between the clamp members for adjusting the space therebetween.

10. Regarding claim 8, Spilker discloses an arm 10, connecting means 16 connecting the arm to one end of the clamp members 21a, and means at the opposite end of the arm 18, 19 for supporting one end of the elongate article.

11. Regarding claim 9, Spilker discloses that the connecting means 21a includes an adjustment means 23.

12. Regarding claim 10, Spilker discloses that the arm is composed of multiple, relatively extensible and retractable sections 10, 16, 18 and latch means (see screws near element 12 in figure 1) reacting between said sections for releasably latching the sections in any selected one of a number of positions.

13. Regarding claim 11, Spilker discloses that the latch means comprises a plurality of openings (see holes in top of element 16) in one of said sections and a projection (see screw adjacent element 12) for movement into and out of any selected opening.

14. Regarding claim 12, Spilker discloses a clamp 22, 24 having a body member 21 bridging and coupled to a pair of confronting clamp members 22, 24 spaced apart at a distance to accommodate a support therebetween; a first extension 11 projecting from said body member 21 beyond said clamp and having a notch 37 therein for removably accommodating an intermediate portion of said rod; means coupling said body member to the confronting members 21a; and adjusting means 25 reacting between the clamp members for adjusting the space between the clamp members 22, 24.

15. Regarding claim 13, Spilker discloses a second extension 11, connecting means 30 for connecting the extension to one of said clamp members 22, said extension extending in a direction away from the first extension 10 and means 35 carried by said second extension for removably accommodating another portion of said rod.

16. Regarding claim 14, Spilker discloses that the body member has openings therein, (see figure 5, illustrating a screw passing through element 21) comprising projections carried by said clamp members and accommodated in openings in the body 21.

17. Regarding claim 15, Spilker discloses that the second extension 11 includes a plurality of relatively adjustable sections 35, 41, 34; and latch means (see screws attaching element 35 to element 11 in figure 2) for releasably maintaining said sections in any selected one of a number of adjusted positions.

18. Regarding claim 16, Spilker discloses that the means for removably accommodating another portion of the rod comprises a socket (see fig 2, element 35).

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19. Regarding claim 17, Spilker discloses that the connecting and adjusting means are the same (see screws attaching element 35 to element 11 in figure 2).

20. Regarding claim 18, Spilker discloses a fishing rod 20 rest comprising a body member 21; a pair of substantially parallel clamp members 22, 24 spaced from one another a distance to accommodate at least a portion of a gunwale; means 21a coupling the body member 21 to the clamp member 22 with the body member overlying the clamp members; a first extension 11 carried by the body member in a direction away from the body member; a first extension having a notch 37 therein to removably accommodate a portion of the rod; and adjusting means 25 spanning the clamp members 22, 25 and operable to adjust the space between the clamp members to be clamped and unclamped from a gunwale.

21. Regarding claim 19, Spilker discloses a second extension 10, means 21a coupling the second extension to the body member 21 said second extension extending from the body member 21 in a direction generally opposite the direction from which the first extension 11 projects and means carried by the second extension 19 for removably accommodating another part of the rod 20.

22. Regarding claim 20, Spilker discloses that the second extension 10 comprises a plurality of relatively adjustable sections 18, 16, 23, 26 and releasable latch means 21a, 23 for releasably maintaining the sections in a selected one of a number of adjusted positions.

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**Conclusion**

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beri US 2828096; Grevich US2513475; DeLaney US5054737; Hawie US6561471; Malmanger et al. US6357166; Baynard et al. US6213441 ; Baynard et al. US5996958 ; Suter US5975479 ; Hurner US5184797 ; Elmore US6584723 .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.5771.

Bethany L. Griles  
Examiner  
Art Unit 3643

*blg*

blg

*Peter M. Poon*

Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

12/31/03